

The reportable quantity for nitric acid is 1000 pounds. Thus, if U.S. Nitrogen released 1000 pounds or more of nitric acid in any given 24 hour period, they would have to immediately make notification of such a release under Section 103 of the Comprehensive Environmental Response, Compensation and Liability Act (CERCLA) and Section 304 of the Emergency Planning and Community Right to Know Act (EPCRA), if the release was into the environment and the release had the potential to affect offsite receptors. Under CERCLA, release reports are made to the National Response Center. Under EPCRA, reports are made to the affected State Emergency Response Commission and the Local Emergency Planning Committee.

U.S. Nitrogen's Risk Management Program (RMP) Plan indicates that they are a responding facility (i.e., trained employees respond to accidental releases of regulated substances) which means that they have to maintain an emergency response program under Clean Air Act (CAA) Section 112 (r)(7) and its applicable regulation found at 40 CFR Section 68.95, which is written as follows:

§68.95 Emergency response program.

(a) The owner or operator shall develop and implement an emergency response program for the purpose of protecting public health and the environment. Such program shall include the following elements:

(1) An emergency response plan, which shall be maintained at the stationary source and contain at least the following elements:

(i) Procedures for informing the public and local emergency response agencies about accidental releases;

(ii) Documentation of proper first-aid and emergency medical treatment necessary to treat accidental human exposures; and

(iii) Procedures and measures for emergency response after an accidental release of a regulated substance;

(2) Procedures for the use of emergency response equipment and for its inspection, testing, and maintenance;

(3) Training for all employees in relevant procedures; and

(4) Procedures to review and update, as appropriate, the emergency response plan to reflect changes at the stationary source and ensure that employees are informed of changes.

(b) A written plan that complies with other Federal contingency plan regulations or is consistent with the approach in the National Response Team's Integrated Contingency Plan Guidance ("One Plan") and that, among other matters, includes the elements provided in paragraph (a) of this section, shall satisfy the requirements of this section if the owner or operator also complies with paragraph (c) of this section.

(c) The emergency response plan developed under paragraph (a)(1) of this section shall be coordinated with the community emergency response plan developed under 42 U.S.C. 11003. Upon request of the local emergency planning committee or emergency response officials, the owner or operator shall promptly provide to the local emergency response officials information necessary for developing and implementing the community emergency response plan.

Also, this was taken from U.S. Nitrogen's RMP Plan of record:

The site's ERP contains considerable detail. The Operations staff has been trained to the Hazmat Technician standard, which allows our own employees to be able to provide an immediate response in the event that there is a release or spill of a hazardous material onsite. Also, if needed, the services of the Greeneville Fire Department's Hazmat Team is available. We have worked in conjunction with their team to ensure that they are fully aware of the hazards present on our site. US Nitrogen has also worked closely with the Greene County Director of Emergency Management to be sure that communication plans exist to alert residences that may be impacted by a release. Response Drills and a community Tabletop exercise will be coordinated with the Local Emergency Planning Committee and the local Director of Emergency Management.